

City Council Introduction: **Monday**, May 24, 2004
Public Hearing: **Monday**, June 7, 2004, at **1:30 p.m.**

Bill No. 04R-116

FACTSHEET

TITLE: **USE PERMIT NO. 123B**, an amendment to Landmark Corporate Center, requested by North 33rd LLC, to adjust the front yard setback from 50' to 15' for the location of one ground sign per lot, and to waive the required 30' maximum setback from building pad site to ground sign, on property generally located at North 33rd Street and Superior Street.

STAFF RECOMMENDATION: Conditional approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 05/12/04
Administrative Action: 05/12/04

RECOMMENDATION: Conditional Approval (8-0: Pearson, Carlson, Sunderman, Carroll, Taylor, Larson, Marvin and Bills-Strand voting 'yes'; Krieser absent).

FINDINGS OF FACT:

1. This is a request to amend the use permit to reduce the required front yard setback for one ground sign per lot from 50' to 15'. This adjustment as well as the requested waiver of the required 30' maximum setback from building pad site to ground sign are requested to permit more flexibility for the location of ground signs associated with individual pad sites located on a lot.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3, concluding that the reduction of the front yard setback for one ground sign and the waiver of the 30' maximum setback from the building are acceptable, provided the waivers apply only to one ground sign per lot.
3. On May 12, 2004, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On May 12, 2004, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval, as set forth in the staff report dated April 28, 2004.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: May 17, 2004

REVIEWED BY: _____

DATE: May 17, 2004

REFERENCE NUMBER: FS\CC\2004\UP.123B

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 12, 2004 PLANNING COMMISSION MEETING

P.A.S.: Use Permit 123B, Landmark Corporate Center

PROPOSAL: To adjust the front yard setback from 50' to 15' for the location of one ground sign per lot and to waive the required 30' maximum setback from building pad site to ground sign.

LOCATION: N. 33rd Street north of Superior Street.

WAIVER REQUEST:

1. Reduce the front yard setback from 50' to 15' for the placement of one ground sign per lot.
2. Waive the required 30' maximum setback from building pad site to ground sign.

LAND AREA: Approximately 156 acres, more or less.

CONCLUSION: The reduction of the front yard setback for one ground sign and waive the 30' maximum setback from the building is acceptable, provided the waivers apply only to one ground sign per lot.

<u>RECOMMENDATION:</u>

Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

EXISTING ZONING: I-3, Employment Center District, B-2, Planned Neighborhood Business District.

EXISTING LAND USE: Industrial center uses and undeveloped.

SURROUNDING LAND USE AND ZONING:

North:	Residential	R-3 and R-5, Residential,
South:	Undeveloped, commercial,	R-3, H-3, Highway Commercial, P , Public
East:	Undeveloped	P, R-3, AG, Agricultural
West:	Residential, commercial	R-5, B-5, Planned Regional Business, B-2, Planned Neighborhood Business, I-1, Industrial

HISTORY:

Use Permit #123A for Landmark Corporate Center was approved by City Council on **August 4, 2003**.

Annexation #99018, Change of Zone #3200, Preliminary Plat #99021, Use Permit #123 for Landmark Corporate Center were approved by City Council on **February 28, 2000**.

Comprehensive Plan Amendment #94-03, "North 27th Street Subarea Plan" changing the designation of the northern portion to "Industrial" was approved on **September 18, 1996**.

The zoning designation in this area was revised during the **1979** Zoning Update from AA - Rural and Public Use to R-3 Residential west of the old railroad ROW, and AG Agricultural east of the railroad ROW.

COMPREHENSIVE PLAN SPECIFICATIONS:

This area is shown for a light industrial center in the Comprehensive Plan (F-39).

TRAFFIC ANALYSIS: N. 33rd Street is shown as an urban minor arterial.

ANALYSIS:

1. This is a request to amend the use permit to reduce the required front yard setback for one ground sign per lot from 50' to 15'.
2. The applicant requests the waiver and adjustment to permit more flexibility for the location of ground signs associated with individual pad sites located on a lot. The two waivers will only affect one ground sign per lot. A sign location exhibit, which was provided by the applicant, is attached to this report.
3. The request to allow one ground sign to be more than 30' from the building is reasonable because the lots are very large.
4. The I-3, Employment Center District is a relatively new district, established in August 1997. The intent of the district is for the "development of attractive office and light industrial facilities as employment centers for location of plant facilities or headquarters of major employers. The I-3 Employment Center District is also intended to provide such employment centers with the surrounding support uses, including complementary office and retail use complementing the general land use pattern of the community and assisting the implementation of the adopted goals and policies of the community" (§27.51).
5. General sign requirements include: 27.69.030(d) No sign shall be erected or maintained in a required yard, encroach upon or overhang any adjacent property, or any other land or public right-of-way.
6. The sign ordinance for the I-3 district indicates in Section 27.69.081 that: (d) One on-premises ground sign for each free standing pad site building is allowed. Such sign shall not exceed fifty square feet in area and eight feet in height and shall be located within thirty feet of the pad site building.
7. The sign ordinance for the B-2 district indicates in Section 27.69.046 (d) One on-premises ground sign for each free-standing pad site building is allowed. Such sign shall not exceed fifty square feet in area and eight feet in height and shall be located within thirty feet of the pad site building.
5. Planning staff does not object to this request, and by limiting the waivers to only one ground sign per lot the request limits the number of signs within the front yard setback.

6. Public Works & Utilities Department, Building and Safety/Fire Prevention, and the Lincoln-Lancaster County Health Department did not object to the request.

CONDITIONS:

Site Specific:

1. This approval permits the adjustment of the front yard setback from 50' to 15' for the location of one ground sign per lot and to waive the required 30' maximum setback from building pad site to ground sign.

General:

2. Before receiving building permits:
 - 2.1 The permittee shall have submitted a final plan including 6 copies.
 - 2.2 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the industrial buildings all development and construction shall have been completed in compliance with the approved plans.
 - 3.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established owners association approved by the City Attorney.
 - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.
4. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Becky Horner
Planner

DATE: April 28, 2004

APPLICANT: Don Linscott
OWNER: North 33rd LLC
300 N 44th Street, Suite 100
(402)467-1234

CONTACT: DaNay Kalkowski
Seacrest and Kalkowski, P.C.
1111 Lincoln Mall, Suite 350

**USE PERMIT NO. 123B
AMENDMENT TO LANDMARK CORPORATE CENTER**

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

May 12, 2004

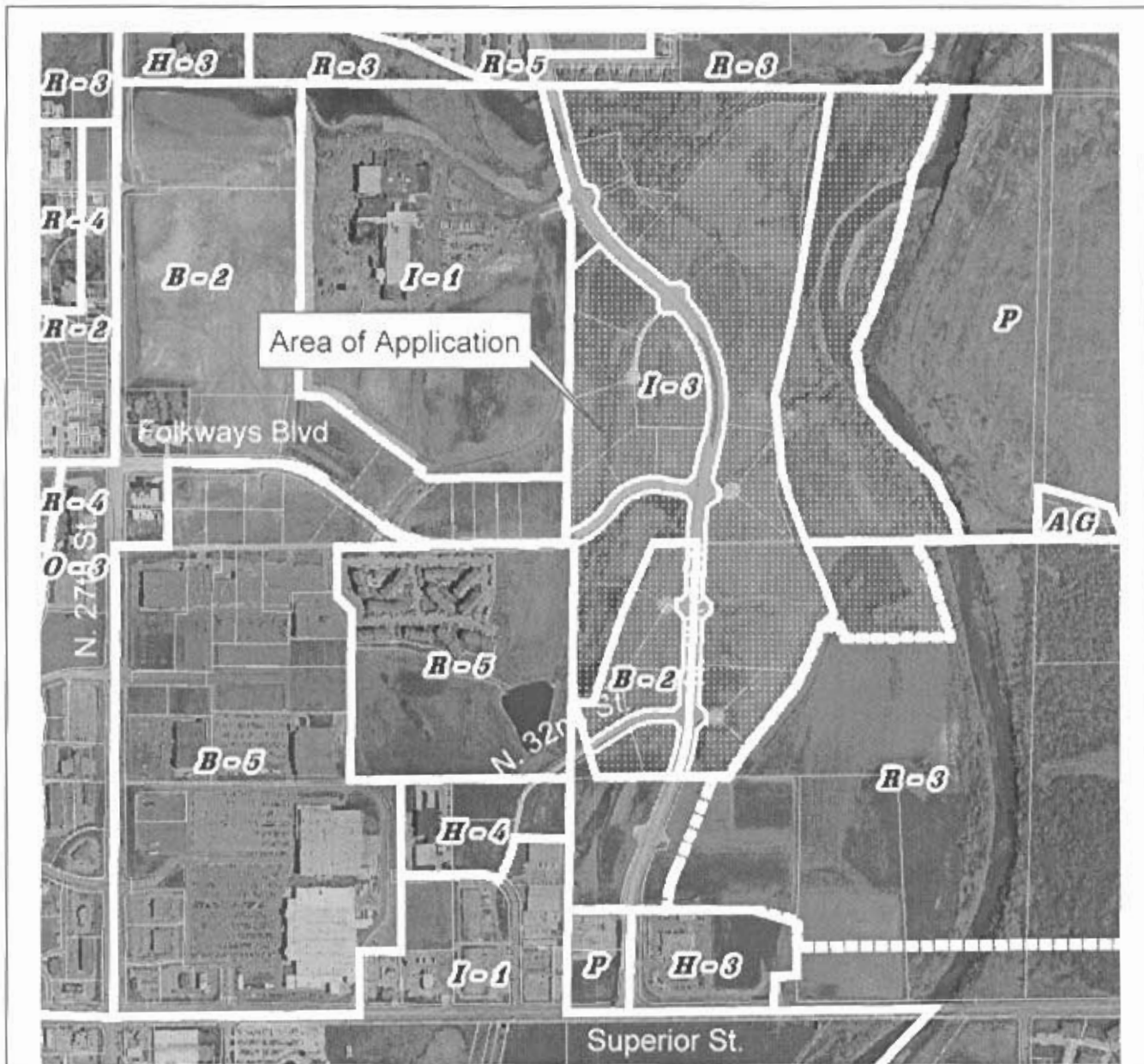
Members present: Carlson, Carroll, Larson, Marvin, Pearson, Sunderman, Bills-Strand and Taylor (Krieser declaring a conflict of interest).

The Consent Agenda consisted of the following items: **USE PERMIT NO. 123B; SPECIAL PERMIT NO. 1726B, WEST PARK COMMUNITY UNIT PLAN; PRELIMINARY PLAT NO. 01012, WEST PARK 2ND ADDITION; SPECIAL PERMIT NO. 1870A, STEVENS CREEK RIDGE COMMUNITY UNIT PLAN; PRELIMINARY PLAT NO. 04009, STEVENS CREEK RIDGE 1ST ADDITION; COMPREHENSIVE PLAN CONFORMANCE NO. 04001 and STREET AND ALLEY VACATION NO. 04003.**

Item No. 1.2a, Special Permit No. 1726B; Item No. 1.2b, Preliminary Plat No. 01012; and Item No. 1.4, Comprehensive Plan Conformance No. 04001 were removed from the Consent Agenda and scheduled for separate public hearing.

Larson moved to approve the remaining Consent Agenda, seconded by Carroll and carried 8-0: Carlson, Carroll, Larson, Marvin, Pearson, Sunderman, Bills-Strand and Taylor voting 'yes'; Krieser declaring a conflict of interest.

NOTE: This is final action on Preliminary Plat No. 01012, West Park 2nd Addition, and Preliminary Plat No. 04009, Stevens Creek Ridge 1st Addition, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



2002 aerial

Use Permit #123B **N. 33rd & Superior St.** **Landmark Corporate Center**

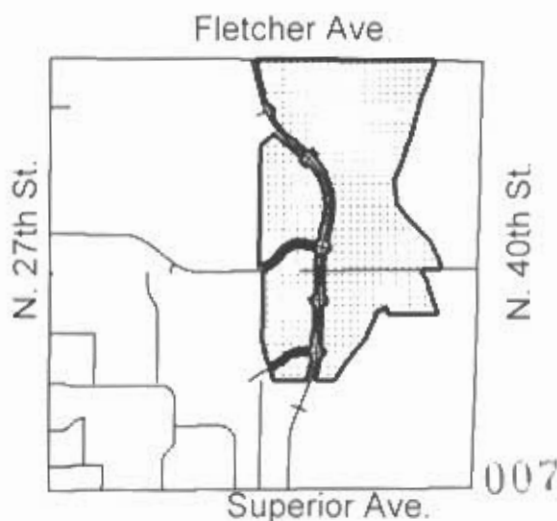
Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
 Sec. 6 T10N R7E



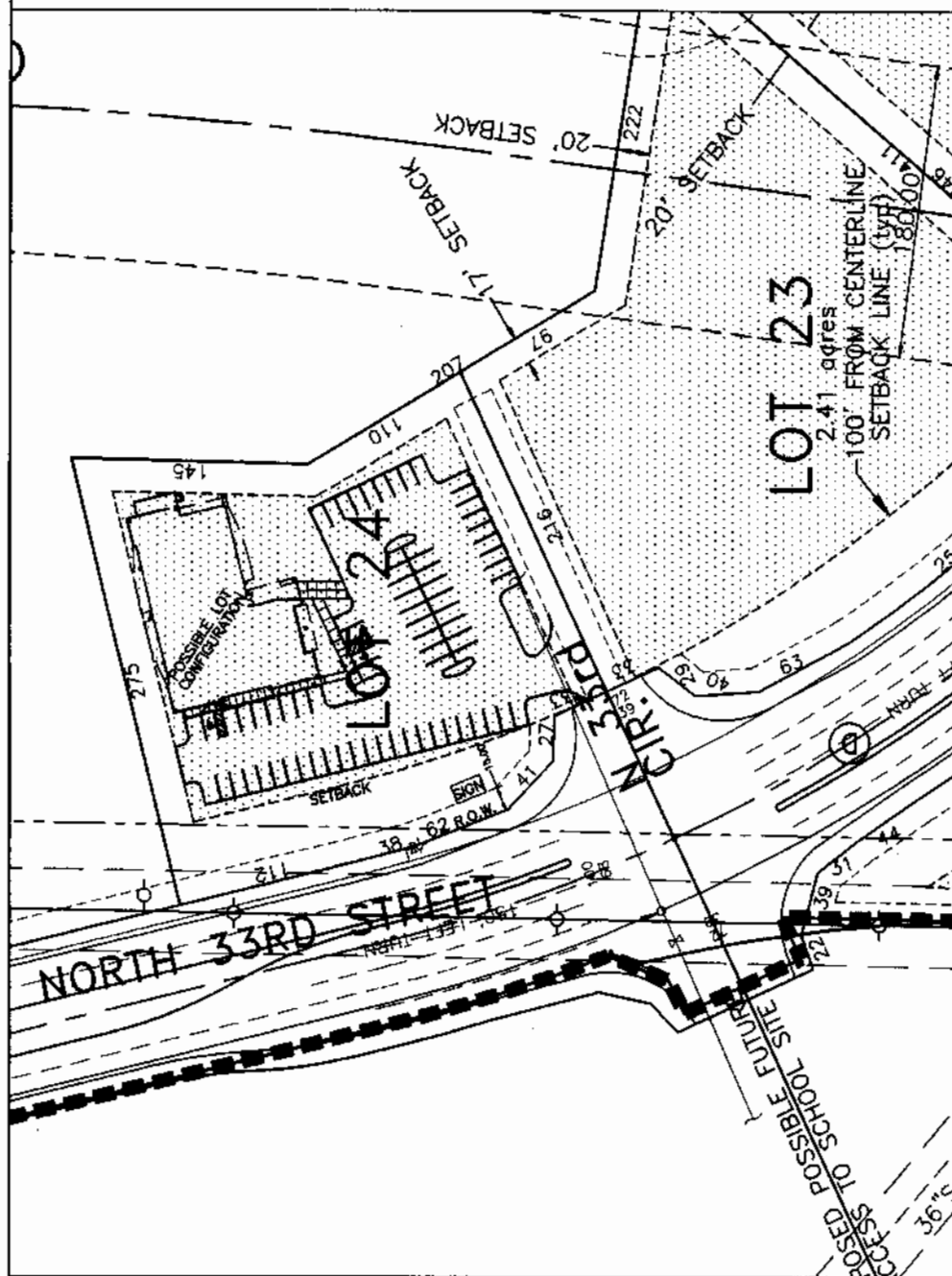
City Limit Jurisdiction



007



SCALE: 1"=100'



51. ONE ON-PREMISES GROUND SIGN ASSOCIATED WITH A FREE STANDING PAD SITE BUILDING PER

5. LOT SHALL BE PERMITTED TO BE LOCATED MORE THAN 30 FEET FROM THE PAD SITE BUILDING AND WITHIN THE FRONT YARD SETBACK ALONG SOUTH 33RD STREET, PROVIDED SUCH SIGN SHALL BE LOCATED AT LEAST 15 FEET FROM THE RIGHT-OF-WAY.

F:\Projects\20030379\LprelimRevision5\dwg\ex-sign-location.dwg 04/26/04 01:44:59 PM CDT

LANDMARK CORPORATE CENTER
SIGN LOCATION EXHIBIT

OLSSON ASSOCIATES
CONSULTING ENGINEERS

1111 Lincoln Mall, P.O. Box 84608, Lincoln, NE 68501

EXHIBIT 4.26.04

SEACREST & KALKOWSKI, P.C.

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3905

TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100

KENT SEACREST
E-MAIL: kent@sk-law.com

DANAY KALKOWSKI
E-MAIL: danay@sk-law.com

April 15, 2004

Marvin Krout
Planning Department
555 South 10th Street
Lincoln, NE 68508

Re: Amendment to Landmark Corporate Center Use Permit

Dear Marvin:

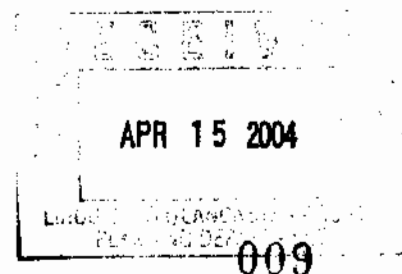
Our office represents North Thirty-Third, LLC, the primary owner of property within Landmark Corporate Center. The lots located within Landmark Corporate Center are large lots which may permit multiple users on a single lot. North Thirty-Third, LLC is requesting two waivers to the Use Permit which will permit more flexibility for the location of ground signs associated with individual pad sites located on a lot. The two waivers will only affect one ground sign per lot.

North Thirty-Third LLC is requesting the following waivers:

1. A waiver to allow one ground sign associated with a free standing pad site building per lot to be located more than thirty (30) feet from the pad site building. This waiver will allow a sign to be placed by North 33rd Street if a building's parking lot is located between the building and the street.
2. A reduction in the front yard setback along South 33rd Street to permit the placement of one ground sign associated with a free standing pad site building per lot to be placed along South 33rd Street at least fifteen (15) feet from the right-of-way. This waiver will allow one sign per lot to be located closer to North 33rd Street.

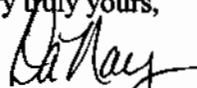
Enclosed please find the following:

1. City of Lincoln Zoning Application Form
2. Application fee in the amount of \$740.00
3. 21 copies of the Site Plan.



We have discussed the above request with Ray Hill and Becky Horner. If you have any questions regarding the waiver requests, please feel free to give me a call.

Very truly yours,



DANAY KALKOWSKI
For the Firm

Enclosures

cc: Don Linscott

APR 15 2004

010

Legal description

Landmark Corporate Center Addition

Outlot "A", Outlot "B", Outlot "C", Outlot "D", and Outlot "E"

Lot 1, and Lot 2, Block 1

Lot 1, Lot 2, and Lot 3, Block 2

Lot 1, Lot 2, and Lot 3, Block 3

Lot 1, and Lot 2, Block 4

Lot 1, Lot 2, Lot 3, Lot 4, and Lot 5, Block 5

Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, Lot 7, Lot 8, and Lot 9, Block 6

All located in N $\frac{1}{2}$ + SE $\frac{1}{4}$ Section 6-10-7